

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CIVIL ACTION NO. 05-11803-MLW**

SHENIA DANCY-STEWART as
Administratrix of the Estate of EVELINE
BARROS-CEPEDA,
Plaintiffs,

v.

THOMAS TAYLOR, Jr., and the CITY
OF BOSTON,
Defendants.

DEFENDANT THOMAS TAYLOR'S MOTION FOR SUMMARY JUDGMENT

The Defendant, Boston Police Officer Thomas Taylor, Jr. ("Officer Taylor"), hereby moves for summary judgment because discovery produced no facts to support actionable claims against him. In her Third Amended Complaint, the Plaintiff alleges the following against Officer Taylor: (1) Count I: Violation of 42 U.S.C. § 1983; (2) Count II-Survival Action /Violation of 42 U.S.C. § 1983; (3) Count IV-Wrongful Death/Violation of G.L. c. 229; and (4) Count VI-Survival Action. Officer Taylor moves for summary judgment on all counts because the Plaintiff fails to satisfy the requisite elements of her claims; and because qualified immunity applies.

In support of said Motion, the Defendant attaches its accompanying Memorandum of Law.

DEFENDANT REQUESTS ORAL ARGUMENT FOR THIS MOTION

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Respectfully submitted,
DEFENDANTS, THOMAS TAYLOR, JR.
AND CITY OF BOSTON,

By their attorneys:

/s/ Helen G. Litsas

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CERTIFICATE OF SERVICE

I, Helen G. Litsas, hereby certify that on this date I served a copy of the foregoing documents upon lead plaintiff's counsel, Andrew Stockwell-Alpert, by electronic filing and by postage prepaid, first class, U.S. Mail.

6/2/08

/s/ Helen G. Litsas

Date

Helen G. Litsas

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to L.R. D. Mass. 7.1(A)(2), I hereby certify that I communicated with Plaintiff's Attorney, Andrew Stockwell-Alpert, regarding *Defendant Thomas Taylor's Motion For Summary Judgment*, and we were unable to narrow the issues.

6/2/08

/s/ Helen G. Litsas

Date

Helen G. Litsas